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EXAMINER

LONG, FONYA M

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/724,931
Filing Date: December 01, 2003
Appellant(s): HORNREICH ET AL.

Hunter E. Webb
For Appellant

EXAMINER'S ANSWER

Art Unit: 3689

This is in response to the appeal brief filed March 03, 2009; the supplemental appeal brief filed April 03, 2009; and the supplemental appeal brief filed November 23, 2009 appealing from the Office action mailed October 01, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6055570	Nielsen	04-2000
6724403	Santoro et al.	04-2004
6560454	Helle et al.	05-2003
7277924	Wichmann et al.	10-2007

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (6,055,570) in view of Santoro et al. (6,724,403) and in further view of Helle et al. (6,560,454).

As per Claim 7, Nielsen discloses automatically receiving a content update from a content provider in connection with said subscription (Abstract, via the update monitor service obtaining information about changes to information being monitored for the server on which the information is located or from a comparison of old and current version of information); and automatically providing said content update for updating said specialized content area (Abstract; Col. 11, Lines 47-51, discloses providing the information to one or more user computers about the updated information).

However, Nielsen fails to explicitly disclose the updating of the content during the display of the web page, and associating the displayed web page with a subscription for content.

Santoro et al. discloses a system and method for simultaneous display of multiple information sources with the concept of updating the content during the display of the web page (Col. 11, Lines 16-31, discloses a user viewing simultaneously information from a multitude of his available sources including multiple sites (i.e. web pages) on the Internet. Col. 12, Lines 36-49, discloses a grid continually cycling around the currently displayed tiles, one by one, refreshing (i.e. updating) the content of the tile each time it is accessed (i.e. automatically updating). When a given tile is refreshed, the refresh operation is completed before refreshing the next tile in sequence. In this way,

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the cycling rate may be set so that the current content of all tiles are reasonably up to date.).

Therefore, from the teaching of Santoro et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the subscribed update monitors of Nielson to include updating the content during the display of the web page as taught by Santoro et al. in order to provide an easy to user graphical interface that facilitates the organization and management of multiple data sources corresponding to a user's needs and interests.

Helle et al. discloses a system for updating information from a plurality of content providers on the Internet with the concept of associating specialized content area of a web page currently being displayed at a client and having a plurality of specialized content areas in a portal environment with a subscription for content therefore, the associating being based on the displayed specialized content area (Col. 4, Lines 25-65, discloses a cellular terminal which is connected to the Internet being associated with (Col. 6, Lines 50-63) the user's personal news list in order to display a user's customized selected topics (i.e. domestic news, or popular music) when the user uses the cellular terminal).

Therefore, from the teaching of Helle et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Nielsen and Santoro et al. combination to include associating a web page with a subscription for content as taught by Helle et al. in order to eliminate the need for the user to manually

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update the displayed information by automatically updating display after checking for updates from the content providers.

As per Claim 8, Nielsen discloses creating said subscription on a publish/subscribe server (Col. 5, Lines 21-40, discloses a monitor page that allows a user to create a list of pages in which the user subscribes to and store the list in a database). However, the Nielsen and Santoro et al. combination fails to explicitly disclose storing content updates.

Helle et al. discloses a system for updating information from a plurality of content providers on the Internet with the concept of storing said content update received from said publish/subscribe server in response to a publication received from said content providers and in connection with said subscription (Col. 8, Lines 17-19, discloses a cellular terminal downloading new updated information received from one of the content providers and storing the information in the cellular terminal).

Therefore, from the teaching of Helle et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Nielsen and Santoro et al. combination to include storing content updates as taught by Helle et al. in order to eliminate the need for the user to manually update the displayed information by automatically updating a display after checking for updates from the content providers.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (6,055,570) in view of Santoro et al. (6,724,403) and Helle et al. (6,560,454), as applied to Claim 7 above, and in further view of Wichmann et al. (7,277,924).

The Nielsen, Santoro et al., and Helle et al. combination discloses the claimed invention as applied to Claim 7, above. However, the combination fails to explicitly disclose generating a web page and providing a web page for display on a computer.

Wichmann et al. discloses a method of servicing a request for a web page from a user with the concept of dynamically generating said web page including said specialized content area; and providing said web page and a monitor operative to receive said content update and provide said content update for updating said specialized content area to a client computer (Col. 1, Lines 43-57, discloses a website that provides a web page and portlets. The portlets are configured to display a customized content area on a web page).

Therefore, from the teaching of Wichmann et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Nielsen, Santoro et al., and Helle et al. combination to include generating a web page and providing a web page that meets the user's needs and eliminate information that does not pertain to the user.

(10) Response to Argument

As per Claim 7, Applicant argues that the Nielsen, Santoro, and Helle combination fails to disclose automatically receiving a content update from a content provider and automatically providing said content update for updating said specialized content area. Examiner respectfully disagrees. Nielsen discloses automatically receiving a content update from a content provider (Abstract, via the update monitor service

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obtaining information about changes to information being monitored for the server on which the information is located or from a comparison of old and current version of information); and automatically providing said content update for updating said specialized content area (Abstract; Col. 11, Lines 47-51, discloses providing the information to one or more user computers about the updated information). Applicant is mistaken as to what was stated in the last office action. Examiner asserts that the last office action stated that Nielsen failed to teach automatically receiving a content update **during display of the web page**. As a result, Examiner has supplied Santoro which discloses automatically updating the content during the display of the web page (Col. 11, Lines 16-31; Col. 12, Lines 36, 49; discloses a user viewing simultaneously information from a multitude of his available sources including multiple sites (i.e. web pages) on the Internet, wherein a grid continually cycling around the currently displayed tiles, one by one, refreshing (i.e. updating) the content of the tile each time it is accessed (i.e. automatically updating). When a given tile is refreshed, the refresh operation is completed before refreshing the next tile in sequence. In this way, the cycling rate may be set so that the current content of all tiles are reasonably up to date.)

As per Claims 8 and 9, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/F. L./

Examiner, Art Unit 3689

Conferees:

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